

REMARKS/ARGUMENTS

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 21-27, 29, 30, and 32-50 remain pending in the application, with claims 21, 26, 34, and 39 being the independent claims. New claims 49 and 50 have been added.

Applicant kindly thanks the Examiner for the telephone conversation of September 12, 2003. During the telephone conversation, formal matters were discussed regarding the numbering of claims. Because there was no discussion of the application on the merits, it is unnecessary for Applicant to provide a record of the substance of the telephone conversation.

Based on the above Amendments and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Amendments to the Specification

In the Office Action on page 2 in section 2, the Examiner notes that the amended/substitute Abstract cannot be found. By this Amendment, Applicant provides a substitute Abstract of the Disclosure.

Objections to the Claims Under 37 C.F.R. § 1.75(c)

In the Office Action of page 3 in section 4, claim 41 is objected to under 37 C.F.R. §

1.75(c), as being of improper dependent form for failing to further limit the subject matter of a claim. This objection has been rendered moot by the amendments to claim 41. Accordingly, Applicant respectfully requests that this objection be withdrawn.

Rejections Under 35 U.S.C. § 112

In the Office Action on pages 3-4 in sections 5-6, claims 29, 30, and 32 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claims 29 and 32 are indefinite because they depend from a cancelled claim. Claims 29 and 32 have been amended to depend from claim 26, thus rendering this rejection moot.

With respect to claim 30, the Office Action asserts that claim 30 is unclear because, based on claim 30 depending from claim 27, the "branching filter circuit" is formed on both the "common piezoelectric circuit" and the "package." Claim 27 has been amended to remove the recitation that the "branching filter circuit" is formed on the "package." Claim 30 recites that the "frequency adjusting circuit is formed on the common piezoelectric substrate together with the branching filter circuit." Therefore, it is clear that the branching filter circuit is formed on the common piezoelectric substrate.

In view of the above, Applicant respectfully requests that this rejection be withdrawn.

Double Patenting Rejection

In the Office Action on pages 4-6 is sections 7-8, claims 21-25, 29, 30, 34-38, and 41-43 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,222,426 in view of U.S. Patent No. 6,057,744 to Ikada. To overcome this rejection, Applicant files a terminal disclaimer concurrently herewith in compliance with 37 C.F.R. § 1.321(c). It is noted that the present application and U.S. Patent No. 6,222,426 are of common ownership. Further, a check in the amount of \$110.00 is enclosed for the statutory disclaimer fee. Should no check be enclosed, or if a greater or lesser fee is required, please charge or credit Deposit Account No. 22-0261 accordingly and notify the undersigned.

Rejections Under 35 U.S.C. § 103

In the Office Action on pages 6-8 in sections 9-10, claims 21-25, 29, 34-38, 41, 44, 47 and 48 stand rejected as being unpatentable over U.S. Patent No. 5,057,744 to Ikada in view of Japanese Patent No. 5-167388 to Igata et al. Applicants respectfully traverse this rejection.

As per claims 21 and 34, the Office Action fails to establish a *prima facie* case of obviousness because the combination of Ikada in view of Igata does not teach the claimed invention.

In particular, claims 21 and 34 recite a "*a frequency adjusting circuit being coupled between the antenna terminal and the transmitting SAW filter or the receiving SAW filter,*

wherein the frequency adjusting circuit has a capacitance element."

The combination of Ikada in view of Igata does not teach the claimed invention. In particular, Ikada discloses a surface acoustic wave device which is arranged to define a filter having two or more pass bands, column 1, lines 6-10. As shown in Figure 3, the surface acoustic wave device has a first SAW filter and a second SAW filter 23. The SAW filters are connected at their respective output sides at a connection point 24, column 4, lines 40-51. An inductive device for impedance matching 28 is connected between the connection point 24 and ground, column 6, lines 47-52. As such, there is no disclosure in Ikada of the frequency adjusting circuit with a capacitance element as recited in amended independent claims 21 and 34, and claims depending therefrom. As recognized by the Office Action, Ikada does not teach "*a frequency adjusting circuit being coupled between the antenna terminal and the transmitting SAW filter or the receiving SAW filter.*"

Igata fails to overcome the deficiencies of Ikada. In particular, as shown in Fig. 5, Igata teaches an impedance matching 28 that is connected between the parallel connection point 24 and the ground potential point. Accordingly, Igata does not teach "*a frequency adjusting circuit being coupled between the antenna terminal and the transmitting SAW filter or the receiving SAW filter.*" Accordingly, the references alone, or in combination, fail to teach the frequency adjusting circuit as recited in claims 21 and 34.

Claims 29, 47 and 48 have been amended to recite allowable subject matter, thus rendering the rejection with respect to claims 29, 47 and 48 moot. The remaining claims 22-25,

35-38, 41 and 44 depend directly or indirectly from claims 21 and 34 and are allowable for at least the reasons discussed above with respect to claims 21 and 34.

In the Office Action on pages 8-9 in section 11, claims 21-24, 29, 34-37, 41-43, 47, and 48 stand rejected as being unpatentable over Japanese Patent No. 11-68512 to Oguri et al. in view of U.S. Patent No. 5,057,744 to Ikada. Applicant respectfully traverses this rejection.

With respect to claims 29, 42, 47, and 48, as noted below, claims 29, 42, 47, and 48 have been amended to recite allowable subject matter, and thus rendering the rejection of claims 29, 42, 47, and 48 moot.

With respect to claims 21 and 34, claims 21 and 34 recite, among other things, a SAW duplexer having *transmitting and receiving SAW filters* and a "*a frequency adjusting circuit being coupled between the antenna terminal and the transmitting SAW filter or the receiving SAW filter.*" Oguri teaches a SAW diplexer having SAW filters, but is missing *transmitting and receiving SAW filters*. Further, as discussed above, there is no disclosure in Ikada of the frequency adjusting circuit with a capacitance element as recited in amended independent claims 21 and 34. Accordingly, the references alone, or in combination, fail to teach the duplexer as recited in claims 21 and 34. Applicants therefore submit that claims 21 and 34 are allowable over the applied references. The remaining claims 22-24, 34-37, 41 and 43 depend directly or indirectly from claims 21 or 34 and are allowable for at least the reasons discussed above with respect to claims 21 and 34.

In the Office Action on pages 9-10 in section 12, claims 32, 33, 45, and 46 stand rejected

as being unpatentable over U.S. Patent No. 5,057,744 to Ikada in view of Japanese Patent No. 5-167388 to Igata et al, as applied to claims 21 and 34 above, and further in view of Japanese Patent No. 6-97761 to Hirasawa et al. Applicant respectfully traverses this rejection.

With respect to claim 32, as noted below, claim 32 has been amended to recite allowable subject matter, and thus rendering the rejection of claim 32 moot.

Claim 33 depends from claim 21. As discussed above, the combination of Ikada and Agata fails to teach the frequency adjusting circuit as recited in claims 21. Accordingly claim 21 is allowable over the applied references. Because claim 33 depends from claim 21, claim 33 is allowable for at least the same reasons as claim 21.

Claims 45 and 46 depend from claim 34. As discussed above, the combination of Ikada and Agata fails to teach the frequency adjusting circuit as recited in claims 34. Accordingly claim 34 is allowable over the applied references. Because claims 45 and 46 depend from claim 34, claims 45 and 46 are allowable for at least the same reasons as claim 34.

In view of the above, Applicant respectfully requests that these rejections be withdrawn.

Allowable Subject Matter

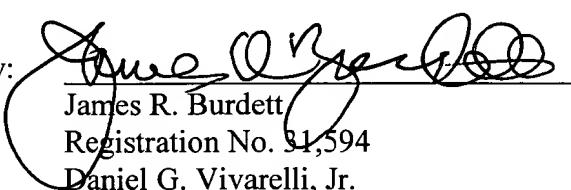
In the Office Action on pages 10-11 in sections 13 and 14, the Examiner states that claims 26, 27, 39, and 40 are objected to and would be allowed if rewritten in independent form. Applicant thanks the Examiner for the indication of allowable subject matter. The allowable claims have been rewritten independent form. Specifically, claim 26 has been amended to recite

the subject matter in claim 21, and claim 39 has been amended to recite the subject matter in claim 34. Claims 27 and 40 have been amended to depend from claims 26 and 39, respectively, and therefore recite allowable subject matter. Additionally, new claims 49 and 59 depend from claims 26 and 39, respectively, and also recite allowable subject matter. Applicant respectfully request that claims 26, 27, 39, 40, 49 and 50 be allowed.

Respectfully submitted,

Date: 07/21/2003

By:


James R. Burdett
Registration No. 31,594

Daniel G. Vivarelli, Jr.
Registration No. 51,137
VENABLE
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 962-4800
Telefax: (202) 962-8300

485097